HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27240 of 1998

Dated 23rd March, 2007

Between

Sri Sanjeevaiah Harijana Peda Vyavasaya Cooli Sangam, Regd.No.243/75, Lakshmi Polvaram village, Ravulapalam Mandal, EG District, rep. By its President Kasuma Musalaiah

…Petitioner

and

The District Collector, EG District and anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27240 of 1998

ORDER:

The petitioner, a society registered under the Societies Registration Act, 1860, seeks Writ of Mandamus to declare the action of the respondents in not issuing pattas in respect of the land admeasuring Ac.5.30 cents covered by Sy.Nos. 3, 28, 29/1, 39,58,86,87, 115/2,116/3, 123,133,134,135,136 and 145 of Lakshmi Polavaram village in Ravulapalem Mandal, E.G.District as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that there are about 200 members in the petitioner-society, which is formed with an avowed object of securing banjar lands for the purpose of

development and cultivation collectively by its members. It is further stated that the members of the petitioners are in occupation of the land admeasuring Ac.5.30 cents covered by Sy.Nos. 3, 28, 29/1, 39,58,86,87, 115/2,116/3, 123,133,134,135,136 and 145 of Lakshmi Polavaram village, Rakvulapalem Mandal. It is the grievance of the petitioner-sangam that at the instance of the local MLA, the second respondent is trying to allot a portion of the land exclusively to some of the members of the sangam and trying to evict the petitioner. Therefore, the action of the respondents in not issuing pattas in favour of the petitioner-sangam is illegal and arbitrary.

In the counter affidavit filed on behalf of the respondents, it is stated that there are groups among the members of the petitioner-society and they made representations for division of the land leased out to the petitioner-sangam among the said groups. It is further stated that the land covered by lease is a communal poramboke (cart track and channel poramboke) land and and the petitioner-society had also encroached upon the land in Sy.Nos. 28, 29/1, 39 and 58. It is further stated that as the land in question is categorized as communal poramboke, the same cannot be assigned.

So far as assignment of the land to the petitioner-society is concerned, it is submitted by the learned Government Pleader that there is no such request from the petitioner-society for allotment of land. In absence of any request for grant of assignment of land to the petitioner-society, and, as it is stated in the counter affidavit that the land in question is categorized as communal poramboke land and, further, as per the Board Standing Orders, there is prohibition for grant of patta or assignment of a communal poramboke (cart track and

channel poramboke) land, no direction can be given as prayed for. However, as it is stated that the petitioner-society is in possession and enjoyment of the land, the respondents are directed not to dispossess the petitioner-society from the land in question as otherwise than by due process of law.

So far as allotment of land to the petitioner-society is concerned, it is open for the Petitioner-society to make an application for assignment of land and if such an application is filed, it is equally open for the respondents to consider the same having regard to the law governing the same.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 23-3-2007
Msnr.